



## **New Jersey Department of Children and Families Policy Manual**

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### **HIV Testing Policy for Minors 5-10-99**

The provision of medical care for minors has been permitted in statute for a variety of public health problems (e. g. venereal disease, drug abuse and pregnancy), which are considered to be of “paramount public importance”. In the case of these public health problems, minors have been deemed to have the same legal capacity to act on their own behalf, and have the same powers and obligations of a person of legal age (i.e. 18 years of age). The consent of a parent or legal guardian is not necessary in order to authorize medical care with respect to these public health problems of paramount public importance. Being at risk for exposure to the Human Immunodeficiency Virus (HIV) is also considered a serious public health problem of paramount public importance, and if found to be infected with HIV, clearly warrants the need for early identification and access to appropriate medical care. Given that minors may not always be able or willing to consult with a parent or guardian with regard to obtaining medical attention for HIV, the N. J. Department of Health strongly recommends that minors (i.e. individuals over the age of 12 but below the age of 18) be allowed to be tested for HIV infection without parental consent. In allowing a minor to be tested for HIV without parental consent, the Department of Health is extending a critical health care service to a population considered at risk for HIV infection, while facilitating the provision of health education and risk reduction messages to encourage behavioral change and an ultimate reduction in the transmission of HIV.

The Department of Health also strongly recommends that minors who confidentially test for HIV and fail to return to receive their test results; or are named as sexual or needle sharing partners of HIV infected individuals, be allowed to be notified of their exposure to HIV without parental consent. For reasons stated above, this would provide the opportunity for partners and infected individuals who are minors to be informed of possible exposure in a timely and professional manner; to be informed of and directed to HIV counseling and testing resources; and to receive counseling about appropriate risk-reduction behavior.